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1 A. No. In fact, my recollection was that he had
2 some serious reservations, as well.

3 But, again, it was my call. That's why I
4 charged it. Even though he was in charge of -- was
5 going to be in charge of the prosecution, I charged it
6 because I felt like it was going to be a tough case and
7 the buck ultimately stopped with me as the elected
8 prosecutor, and I was willing to sign the information
9 knowing that fact.

10 Q. Did Sharon Krause pressure you to file these
11 charges?

12 A. No. As in all of these cases that I had with
13 Mrs. Krause over the years, her credibility -- her
14 reputation as being one of the best in the country -- I
15 mean, she traveled around with Jim Peters teaching this
16 stuff all over the country.

17 Q. Was this even before these were filed?

18 A. I believe so. In fact, I think Mr. Peters
19 alludes in the one letter from just getting back from
20 Hawaii, because they were doing one of their seminars
21 over there. That's my recollection. That may not be
22 the case.

23 But she had an impeccable reputation with our
24 office. I relied on her and her interview, conclusions
25 substantially in making the decision to file this case.

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1 I obviously relied on Mr. Peters, as well, but
2 I think we all had reservations when the case was
3 originally filed. And that's why I said that we were
4 delighted when additional victims came forward,
5 unfortunately, on events that occurred after he got
6 released from jail. But we obviously, at that point,
7 felt that we had a very, very strong case.

8 Q. And just so we're clear about the time frame
9 here, I think in response to one of Ms. Zellner's
10 earlier questions, you indicated you first learned about
11 the Spencer case after he was arrested. That would have
12 been, I take it, after January 3rd, 1985, which was the
13 first information. Would you like to amend that answer
14 at this point?

15 A. I don't know the exact date of his arrest. But
16 I was probably informed of the investigation prior to
17 his actual arrest, just because, as I said, as a high
18 profile case, it was a policy by my deputies to keep me
19 informed on things that I might be reading about in the
20 newspaper the next day.

21 Q. So you would have learned about this case
22 before you actually filed the information?

23 A. Yes. If I misspoke, I'm sorry.

24 Q. I just wanted to clarify.

25 Going back to Sharon Krause, had you ever had

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1 occasion to know or have it be brought to your attention
2 by anyone in law enforcement or by your deputies or by
3 defense lawyers that Ms. Krause had ever fabricated
4 information and put that fabricated information into her
5 reports?

6 A. Absolutely not.

7 Q. Did you ever know of situations where she had
8 coerced child witnesses into making false statements?

9 A. Absolutely not.

10 Q. Now, there's a reference to an interview that
11 Mr. Peters conducted after Ms. Roe made her initial
12 report. Was the purpose of that interview to assist in
13 making the decision whether or not to file charges?

14 A. Yes, because although we certainly respected
15 what Ms. Roe had to say, she did not actually interview
16 Katie in coming to a conclusion. She only reviewed the
17 police report. So we felt it would be very important
18 for Mr. Peters to actually interview her, see whether he
19 agreed with Ms. Roe's assessment or whether he thought
20 the case was prosecutable.

21 Q. Am I correct that that was not part of the
22 ongoing police investigation or an investigation
23 conducted by your office but went strictly to the
24 decision of whether or not to charge?

25 A. No. It was done for the purpose of allowing us

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1 to do a more thorough assessment on whether or not we
2 thought the case was, in fact, filable.

3 Q. Thank you.

4 Now, after the new allegations came forward in
5 February, late February 1985, in your view, did that
6 make Ms. Roe's initial concerns moot or somewhat moot?

7 A. Yes. Because at that point, we felt in having
8 three victims instead of one victim, all of whom said
9 they had been separately molested by Mr. Spencer and not
10 just corroborating what they may have seen or not seen
11 with Katie, we had additional victims, additional
12 disclosures, additional incidents, and we felt from a
13 legal standpoint, we would be able to charge the counts
14 all together and try them all together, at which time
15 the jury would hear from all three victims in one trial,
16 which we felt would provide a basis for them to find Mr.
17 Spencer guilty beyond a reasonable doubt.

18 Q. And turning to the omnibus application that was
19 referenced, I think it's exhibit -- one of the earlier
20 ones.

21 A. Part of Exhibit 3.

22 Q. Page 2. In the box where it's checked that
23 statements of witnesses would be provided, and I believe
24 you said the latter part of that document said ten days
25 before trial; is that right?

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1 A. That's correct.

2 Q. And again, assuming such statements were not
3 necessarily -- were not exculpatory, would it be
4 necessary to turn over statements of witnesses who
5 ultimately would not be testifying?

6 A. Only if it was, like I said before, only if it
7 was potential Brady evidence.

8 Q. And in this particular case, particularly after
9 February of 1985 when there were new victims and as
10 you've indicated, there could have been testimony from
11 Shirley Spencer under the Child Hearsay Act, would it
12 have been absolutely necessary to call Kathryn Spencer
13 as a witness, had the case proceeded to trial?

14 A. From a legal standpoint, no. Obviously, it
15 makes a stronger case when a jury can hear from the
16 victim. But from the legal standpoint, it would have
17 been possible to prosecute based on the 9844 statements
18 to Sharon Krause and Shirley Spencer.

19 Q. And that's the Child Hearsay statute?

20 A. Yes.

21 Q. I'm going to turn now to what's been marked as
22 Exhibit 28 and 29. Can you identify first what Exhibit
23 29 is and since it's somewhat faded, read it out loud.

24 A. Well, without dating myself, in the old days we
25 didn't have voicemail. So when people called in to the

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1 office, they'd get the receptionist and she would take
2 messages for us. And then when we would come back from
3 court, we would have a little box full of messages, and
4 that's what this is.

5 What this indicates is that this was a message,
6 phone message to me, AC, dated April 4th, 10:57 a.m. I
7 don't know what year that would be. Barb Linde called
8 me from the King County prosecuting attorney's office.
9 Her return phone number is listed below that and she
10 called regarding Spencer. She'll try to get back if you
11 can't get her.

12 Q. Since that message from your receptionist that
13 Barb Linde called regarding Spencer, can you conclude
14 from that that it would have been April of 1985?

15 A. Yes.

16 Q. And showing what's been marked as No. 28, can
17 you identify that document and also read that, please?

18 A. This is a document a -- a copy of a document,
19 again, on a yellow pad, piece of paper, that I prepared
20 on April 4, 1985. I believe this references my
21 conversation with Barb Linde. I called her back at the
22 number she provided, 206-583-4466. She told me that
23 last week of May through the first week of June would
24 not be good for her on the trial date because she has an
25 aggravated murder trial then.

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1 Q. Is this, again, concerning the Spencer case?

2 A. Yes.

3 Q. Can we conclude from those two phone -- the
4 phone message from her and your note of your call back
5 to her that Ms. Linde, at least as of April 4, 1985, was
6 the assigned trial counsel for the Spencer case?

7 A. Yes.

8 Q. So would it be fair to say that the King County
9 prosecutor did remain involved in the case, at least
10 into the month of May 1985?

11 A. Well, at least through April 4 of '85.

12 Q. I misspoke. Through April of 1985.

13 A. Yes.

14 Q. And is it also consistent with your testimony
15 that the trial date in the Spencer case had been moved
16 on several occasions?

17 A. That's my recollection.

18 Q. Handing you what's been marked as Exhibit 30,
19 can you identify this document, please, and also 31 goes
20 with it.

21 A. Exhibit 30 is a letter that I received on --
22 written June 10, 1992, from Howard Goodfriend, who was
23 one of Mr. Spencer's attorneys, asking us to provide him
24 with medical records that were in the file pertaining to
25 Kathryn Spencer.

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1 Q. To the best of your recollection, is this the
2 first indication to your office that there might be a
3 medical report concerning Kathryn Spencer?

4 A. Yes.

5 Q. Did that include what he labeled as Motion For
6 Order Compelling Disclosure of Medical Records?

7 A. I don't recall if he provided this or not.

8 Q. Well, he references, he says: Enclosed is a
9 copy of a Motion For Disclosure of Medical Records of
10 Kathryn Spencer.

11 A. It says it's enclosed here, so I'm assuming it
12 was.

13 Q. Now, had Mr. Spencer made several attempts to
14 collaterally attack his guilty plea by this time?

15 A. My recollection is yes.

16 Q. Then showing you what's been marked as Exhibit
17 32, was that your response to the letter sent and the
18 motion sent by Mr. Goodfriend?

19 A. Yes.

20 Q. What do you indicate in this letter?

21 A. That we searched our file and found no evidence
22 of any medical records having been provided to us.

23 Q. Were you aware that a few years later, 1984,
24 1985 and 1996, Mr. Spencer had brought a federal habeas
25 corpus proceeding where one of the issues was alleged

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1 failure of the prosecutor's office to disclose a medical
2 record concerning Kathryn Spencer?

3 A. I vaguely recall that.

4 Q. And do you recall that Judge Bryan, after a
5 full evidentiary hearing, made a specific finding that
6 the prosecutor's office never had that medical report?

7 A. That's my understanding. We were not directly
8 involved in that proceeding.

9 Q. Now, have you had other cases in the
10 prosecution of sex abuse cases and rape cases where
11 there have been medical reports which state there are no
12 physical findings of abuse --

13 A. Yes.

14 Q. -- of sexual abuse? And in your observation
15 and experience, are these type of reports typically
16 strong evidence that sexual abuse did not take place?

17 A. No.

18 Q. And why is that?

19 A. Because it's been my experience that many child
20 sex abuse cases that have occurred without any actual
21 physical evidence to accompany the event. And, in fact,
22 we've had many trials over the years where we have
23 called experts in just to testify to that very matter,
24 because jurors are automatically assuming or they do
25 automatically assume that there would be some evidence

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1 of -- some physical evidence associated with sexual
2 abuse. And we call experts to tell the juries that that
3 is not the case, that that does not mean that the sexual
4 abuse did not occur.

5 Q. Even when the allegations are, as they were in
6 the initial information, that the defendant engaged in
7 sexual intercourse with the child victim?

8 A. Yes. We've had cases where experts have
9 testified that even in those types of cases that lack of
10 physical evidence does not necessarily mean the abuse
11 did not occur.

12 Q. Do you ever recall a case where an acquittal
13 was obtained based solely on that type of medical
14 evidence?

15 A. I'm sorry. Would you say the question again?

16 Q. Do you recall any cases where there was
17 actually an acquittal obtained based solely on the fact
18 that there was that type of medical report, meaning that
19 there were no physical findings?

20 A. Yes. That's why we ended up having to call
21 experts, because jurors would conclude that that's a
22 reasonable doubt because there was no medical evidence.
23 So we got to a point where we had to call an expert to
24 alleviate that experience with the juries and to
25 alleviate that as a reasonable doubt argument by the

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1 defense.

2 Q. And in your experience, does that type of
3 expert testimony, meaning that the prosecutor calls,
4 alleviate that doubt?

5 A. Yes. We've had many cases where that's
6 alleviated the doubt and the defendant has been
7 convicted.

8 MS. FETTERLY: Let me look through my notes for
9 a minute. I don't think I have any further questions.
10 I have no further questions.

11 MR. VELJACIC: I have no questions.

12 MS. ZELLNER: I have just a couple to clarify.

13

14 EXAMINATION

15 BY MS. ZELLNER:

16 Q. I just want to make sure that it's clear on the
17 record. Do you recall prior to making the January
18 charging decision, January of '85 charging decision
19 against Ray Spencer, that you did, in fact, review
20 Rebecca Roe's report?

21 A. I do not specifically remember reviewing the
22 report. What I said was that if I asked her for an
23 opinion as to whether or not the case should be filed,
24 it would be very unusual to not review the report after
25 the specific request.

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1 not allowed to testify as to the details of the
2 complaint, but only that the complaint occurred. Are
3 you aware of that case law?

4 MR. VELJACIC: Object to form.

5 MR. FREIMUND: Object to form.

6 You may answer.

7 THE WITNESS: No, I was not aware that every
8 state had that type of law.

9 BY MS. ZELLNER:

10 Q. Were you aware that Washington did?

11 A. I was aware that Washington had a Child Hearsay
12 statute that just went into effect that we were
13 intending to use as part and parcel of our prosecution
14 of this case.

15 Q. Right. But that Child Hearsay statute did not
16 overturn that prior case law about the person that the
17 complaint is made to, it's called a complaint of rape, a
18 fresh complaint, and that that individual, who would be
19 Shirley Spencer in this case, would not be allowed to
20 testify to the substance of what the child had alleged?

21 MR. FREIMUND: Object to the form.

22 You can answer.

23 MR. VELJACIC: Same objection.

24 THE WITNESS: I assume that statute would have
25 to be read in conjunction with the Child Hearsay statute

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1 Q. Did she make any court appearances, as far as
2 you know?

3 A. Not that I recall.

4 Q. Did she appear at the guilty plea hearing?

5 A. I don't believe so.

6 Q. Was Judge Lock ever informed that Barb Linde
7 would be the trial attorney on the?

8 A. Are you talking about Judge Lodge?

9 Q. I'm sorry. Judge Lodge.

10 A. I don't recall. We withdrew our special deputy
11 request after the additional victims became known to us
12 and we filed the amended information and then took the
13 case back because he had been fired from the Vancouver
14 Police Department, so we had no reason for them to
15 handle the case anymore.

16 Q. Right. So after you filed the Second Amended
17 Information, that was on February 28th of 1985, then
18 King County was no longer involved, correct?

19 MS. FETTERLY: Object as to form.

20 BY MS. ZELLNER:

21 Q. Is that correct?

22 A. I don't have an independent recollection of all
23 of the sequence of events. I just recall that we took
24 the case back after Mr. Spencer was fired or after we
25 became aware that he was fired and after the additional

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1 charges were filed or --

2 Q. So he's fired apparently around January 8th or
3 9th of 1985, correct?

4 A. According to the document.

5 Q. Right. And so that resolved the conflict that
6 you thought had existed previously, correct?

7 A. It did, but it appears that we didn't become
8 aware of that until some time later.

9 Q. But you said at the time of filing this second
10 information. Jim Peters filed that, right? King County
11 did not file that, right?

12 A. Yes.

13 Q. So is it a fair statement that after Mr. Peters
14 [sic] had been terminated, at whatever point you learned
15 about it, there was no conflict, correct?

16 MR. VELJACIC: Mr. Curtis was asking for the
17 letter, so we're referencing -- or can you inform
18 counsel which document you're looking at, which
19 exhibits?

20 THE WITNESS: I'm looking at Exhibit 8. Mr.
21 Peters says they appeared before Judge Lodge on April
22 12, two weeks after that he called Ms. Linde to tell her
23 that our office would be able to handle the case. So
24 that would be the end of April.

25 BY MS. ZELLNER:

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1 Q. Let me ask you this. In the documents you've
2 reviewed in preparation for the deposition today, have
3 you seen a single document filed by the King County
4 prosecutors in the Ray Spencer case from January of 1985
5 up until his guilty plea on May 16th, 1985?

6 A. No, I have not, but I have not gone through the
7 entire file.

8 Q. If they were handling the case, wouldn't you
9 have expected to see discovery requests signed by them
10 and an appearance and some of the basic things, if they
11 were actually handling the case? Could you answer my
12 question?

13 A. I'm just trying to piece this together.

14 Looking at Exhibit 28, which is my note
15 regarding my conversations with Ms. Linde on April 4th,
16 I was asking her what would be good trial dates for her,
17 and she said the last week of May and the first week of
18 June would not be good for her.

19 And then on May 9th, we sent her a letter
20 saying we don't need her assistance, and we had told her
21 that two weeks before that. So there was a two-week
22 time period in there, apparently, that nothing happened.
23 So she was informed that their services were not needed,
24 and it didn't appear that there was much going on in the
25 case during that time period.

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1 Q. Is it a fair statement to say that you didn't
2 know that Ray Spencer had been fired as of January 8th,
3 1985?

4 A. Well, just looking at these documents, that
5 appears to be the situation, because I sent the letter
6 to Mr. Malang after he had been fired saying that we
7 were asking them to review the case because he was a
8 member of the Vancouver Police Department. So
9 apparently I didn't know he had been fired.

10 Q. Right. And isn't it true that Barb Linde could
11 be brought in with Mr. Peters to try the case, but it's
12 Mr. Peters who's in charge of the case up to and if
13 there is a trial?

14 A. No. When we gave the case to King County, it
15 became their case.

16 Q. And they filed appearances?

17 A. It was our intent that they would try the case,
18 and we were trying to find a trial date that would work
19 for them so that we could relay that back to the judge.

20 Q. And then at a certain point, then, you decide
21 to take the case back, correct?

22 A. Yes.

23 Q. Well, we'll just subpoena the King County
24 prosecutor's trial file for this. I'm sure that will
25 make it clear to us their involvement in the case.

1 prosecution?

2 A. No, I don't believe I did.

3 Q. To your knowledge, did Defendant Davidson or
4 did Michael Davidson pressure the prosecutor's office in
5 any way to file criminal charges against Clyde Ray
6 Spencer?

7 A. Absolutely not.

8 Q. To your knowledge, did he play any role
9 whatsoever in the prosecutor's office's decision to file
10 criminal charges against Clyde Ray Spencer?

11 A. No. And we did not.

12 Q. I just have one last question, and that's if
13 you could go back to Exhibit 3, the omnibus motion or
14 application, I should say, and order of the court, and
15 I'll direct your attention to the third page of that.
16 You were testifying earlier about believing there might
17 be a continuance of the trial date at the time this
18 order was signed on January 25th of 1985. If you look
19 at the bottom of the third page of that application,
20 does that refresh your memory in any way regarding a
21 continuance of the trial?

22 A. You're at the bottom of the third page?

23 Q. Yes, under Item 23, additionally.

24 A. It says that they want to have a hearing to
25 determine whether the victim is competent to testify at

1 trial and for a continuance of the trial date.

2 Q. What does that tell you about the prosecution's
3 obligation at that point to disclose statements by the
4 prosecution's witnesses and the timing of doing so?

5 A. Well, in conjunction with the last page where
6 the parties agree to provide information by ten days
7 before trial, it appears to me that a continuance of the
8 trial date had already been discussed with the defense
9 counsel and that the trial date set in January would not
10 be occurring.

11 Q. And from looking at Exhibit 28, your notes from
12 April 4, 1985, and a call with Barbara Linde, was it
13 your understanding that there was also discussions
14 occurring about continuing the trial again that was at
15 least at that time, I believe, set for May?

16 A. Yes, because we were discussing when would be a
17 good time for her to come down to trial, and she said
18 the last week of May and the first week of June would
19 not be good for her, so we obviously were contemplating
20 continuing the trial date to some future date.

21 Q. And again, going back to the omnibus order,
22 with those considerations in mind, does that in any way
23 affect your understanding of what the obligation would
24 be on the prosecutor's office to provide the
25 information, including witness statements and medical

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1 exams and the like ten days before trial?

2 A. Yeah. It would have meant that -- we knew that
3 there was going to be a new trial date, so the ten days
4 before trial did not reference the original trial date
5 but was going to reference somewhere down the line.

6 MR. FREIMUND: That's all I have. Thank you,
7 sir.

8 MS. FETTERLY: I have a couple clarifying
9 points.

10

11

EXAMINATION

12 BY MS. FETTERLY:

13 Q. There was some discussion by Ms. Zellner
14 whether you've seen interview notes of Jim Peters
15 concerning the interview that he conducted of Kathryn
16 Spencer before the January charges were filed. Do you
17 recall that line of questioning?

18 A. Yes.

19 Q. And the only interview you were aware of was
20 the one that we know was conducted on December 11th,
21 1984, which was videotaped.

22 A. Yes. The only interview by Jim Peters?

23 Q. Right.

24 A. Yes.

25 Q. There was not a second interview?

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1 is that correct? That's not correct?

2 Q. What's the title of the document?

3 A. Second Amended Information.

4 Q. And then what's the date of it?

5 A. May 3rd, 1985.

6 Q. Okay. And does that coincide with the time
7 frame that Mr. Peters would have taken the case back?

8 A. Yes, I believe he -- yes, he filed this Second
9 Amended Information.

10 Q. But just so we're clear, as of April 4th, Ms.
11 Linde is still the assigned trial counsel, correct?

12 A. Yes, according to my note.

13 MS. FETTERLY: Thank you.

14 MR. VELJACIC: No questions.

15 MS. ZELLNER: I've got a couple more.

16

17 EXAMINATION

18 BY MS. ZELLNER:

19 Q. In this note to Becky Roe, Exhibit 7, the
20 January 9th, 1985, letter that we talked about
21 earlier -- do you see that?

22 A. Yes.

23 Q. -- did you send the videotaped interview of
24 Kathryn Spencer to Becky Roe?

25 A. Well, I think I previously testified my

In the Superior Court of the State of Washington
In and For the County of Clark

STATE OF WASHINGTON,

Plaintiff,

vs.

CLYDE RAY SPENCER,

85 1 00007 2

No.

INFORMATION

Defendant.....

COMES NOW the Prosecuting Attorney in and for Clark County, State of Washington, and does by this inform the Court that the above named defendant..... is guilty of the crime.....committed as follows, to-wit:

Count I.

That he, Clyde Ray Spencer, in the County of Clark, State of Washington, on one or more occasions between July 14, 1984, and August 28, 1984, being over thirteen (13) years of age, did unlawfully and feloniously engage in sexual intercourse with Kathryn E. Spencer, who was less than eleven (11) years of age at the time, to-wit: age five (5) years, in violation of RCW 9A.44.070 (1), contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

Count II.

That he, Clyde Ray Spencer, in the County of Clark, State of Washington, on one or more occasions between July 14, 1984, and August 26, 1984, did knowingly cause Kathryn E. Spencer, not the spouse of the defendant and less than fourteen (14) years of age, to-wit: age five (5) years, to have sexual contact with the defendant or another, in violation of RCW 9A.44.100 (1) (b), contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

Date: January 2, 1985

Count I - Statutory Rape I - RCW 9A.44.070 (1) and Count II - Indecent Liberties - RCW 9A.44.100 (1) (b)

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JAN 2 - 1985

George J. Miller, Clerk, Clark Co.

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Rulli FilesARTHUR D. CURTIS
Prosecuting Attorney in and for Clark County, WashingtonBy: Arthur D. Curtis
Deputy Prosecuting Attorney

Spencer000828

Group Ex. 3 p. 1

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January 9, 1985

Chief Leland S. Davis
Chief of Police
Vancouver Police Department
300 E. 13th Street
Vancouver, Washington 98660

Re: State vs. Clyde Ray Spencer
Clark County Cause No. 85-1-00007-2

Dear Chief Davis:

In an effort to minimize any potential problems or tensions that might occur between this office and the Vancouver Police Department pertaining to prosecution of the above case, I have decided to request the assistance of an attorney outside of this office to act as a special prosecutor in the case so that this office would not be involved.

Therefore, I have spoken to King County Prosecuting Attorney Norm Maleng who has agreed to provide a deputy prosecutor from his sex crimes unit to prosecute this matter. Although I might be anticipating tensions and/or problems which may not otherwise arise, I feel it is important to continue the excellent working relationship between our respective offices.

I would further appreciate it if you would notify your department of this action so that they may be aware of our feelings and sensitivity to this matter.

Sincerely yours,

Arthur D. Curtis
Prosecuting Attorney

ADC:ca



Spencer-05081

January 9, 1985

Mr. Norm Malang
King County Prosecuting Attorney
King County Courthouse
Seattle, Washington

Re: State vs. Clyde Ray Spencer
Clark County Cause No. 85-1-00007-2

Dear Norm:

On behalf of the Clark County Prosecuting Attorney's Office, I want to thank you for your assistance in providing us with a special deputy prosecuting attorney to handle the prosecution of the above matter. As I indicated to you on the telephone, the sensitivities involved in our office continuing to have a good working relationship with the Vancouver Police Department dictated our request for assistance.

I assure you that should your office ever be in a similar situation which may involve your need for an outside deputy prosecutor, that we would be more than happy to provide similar assistance to you.

Again, thanks for your help and assistance.

Sincerely yours,

Arthur D. Curtis
Prosecuting Attorney

ADC:ca



Spencer-05082

January 9, 1985

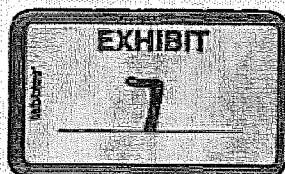
Ms. Becky Roe
Deputy Prosecuting Attorney
Supervisor, Sex Crimes Unit
King County Prosecuting Attorney's
Office
King County Courthouse
Seattle, Washington

Re: State of Washington v. Clyde Ray Spencer
Clark County Cause No. 85-1-00007-2

Dear Becky:

Enclosed please find copies of police reports, the information and other relevant documents pertaining to the above case. We appreciate your office accepting the responsibility for acting as Special Deputy Prosecuting Attorney in this matter due to the conflict we feel exists in our office prosecuting Mr. Spencer in his capacity as a Vancouver police officer. As Jim Peters informed you, this case is presently set for trial on February 27 and 28, 1985, before the Honorable Thomas L. Lodge, Judge of the Clark County Superior Court.

Since the victim in this matter presently resides in Sacramento, California, it obviously will be imperative that we keep in close contact in attempting to accommodate schedules for the purposes of interviews, etc. As I understand it, you will be assigning this case to Deputy Prosecuting Attorney Barb Linde. Please advise us if there is a change in the assigned deputy prosecutor.



Spencer-05083

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This office will continue to provide you with whatever other materials and assistance that may be required pertaining to this matter.

Again, thank you for your assistance.

Sincerely yours,

Arthur D. Curtis
Prosecuting Attorney

ADC:ca
Encs.

Spencer-05084

May 9, 1985

Barb Linde
King County Prosecuting Attorney's Office
King County Courthouse
Seattle, WA 98100

Re: State v. Spencer

Dear Barb:

I wanted to confirm in writing our thanks for the effort you expended in preparation for the trial of Ray Spencer. As you know, our office felt uneasy handling the case when it was initially filed since Spencer was a Vancouver Police Officer and while we believed he was guilty of the crimes charged, the proof was less than overwhelming. Since the initial filing and your agreement to handle the case, Spencer was fired from his position on the police department and two additional victims have been discovered. Thus, the need for outside counsel no longer existed.

Since the charges flowing from the newly discovered evidence were filed within a couple of weeks of the scheduled April 15 trial date, the defense attorney was unable to prepare his case for that date. In addition, he was still working with a psychologist and a psychiatrist endeavoring to get Mr. Spencer to plead guilty. When I returned from Hawaii, where I was the first week of April, I docketed the case for scheduling of a new trial date. We appeared before Judge Hedger on April 12 and he scheduled the new trial date for May 20. It was approximately two weeks after that that I called you indicating that, for the above reasons, we would be able to handle the case. If that delay caused you any inconvenience, I am sorry. We do appreciate your willingness to assist us in this sensitive matter. If we can be of assistance to you in the future, please feel free to call on us. I will look forward to seeing you at the W.C.D.A. conference in Seattle this summer. Art Curtis and I owe you dinner.

Sincerely,

James M. Peters
Deputy Prosecuting Attorney

JMP:pc

cc: Becky Ros
Art Curtis



Spencer-05085

173

*file
w/ Spencer
case*

May 15, 1985

Mr. Norm Maleng
King County Prosecuting Attorney
King County Prosecutor's Office
King County Courthouse
Seattle, Washington 98111

Re: State v. Clyde Ray Spencer
Clark County Cause No. 85-1-00007-2

Dear Norm:

I wanted to personally thank you again for assigning Deputy Prosecuting Attorney Barb Linde to work with us pertaining to the above case. As I mentioned to you the other day in Olympia, we now have new evidence pertaining to this case. That fact, in conjunction with the fact that the defendant has been fired from the Vancouver Police Department, leads us to believe that this office can appropriately handle the situation.

Therefore, the attached letter was recently sent to Ms. Linde. However, we do appreciate your cooperation and if the favor can ever be returned, please feel free to contact me.

Sincerely yours,

Arthur D. Curtis
Prosecuting Attorney

ADC:ca
Enc.



Spencer-05088



ARTHUR D. CURTIS
PROSECUTING ATTORNEY

CURT WYRICK
CHIEF DEPUTY

DENNIS M. HUNTER
CHIEF CRIMINAL DEPUTY

RICHARD S. LOWRY
CHIEF CIVIL DEPUTY

MARY K. YOUNG
OFFICE ADMINISTRATOR

July 1, 1992

RECEIVED

JUL 6 1992

EDWARD GIER,
WIDYNS & HATHAWAY
ATTORNEYS AT LAW

Mr. Howard Goodfriend
Attorney at Law
6501 Columbia Center
701 Fifth Avenue
Seattle, Washington 98104

Re: State of Washington v. Raymond Spencer
Clark County Cause No. 85-1-00007-2

Copy to Client

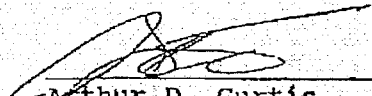
Date Sent: _____

Dear Mr. Goodfriend:

I am in receipt of your letter dated June 10, 1992, requesting production of any and all medical records which exist pertaining to the victim in the above case, Kathryn Spencer. Because I did not recall whether such medical records exist, I asked one of my legal assistants, Linda Engelbart, to review the file for me. Ms. Engelbart has recently done this and states that no such medical records exist in our file. Consequently, if such medical record do exist, they apparently were never provided to us.

Please let me know if I can be of any further assistance to with respect to this matter.

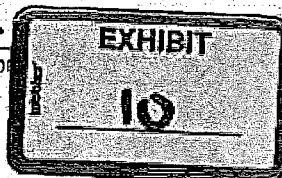
Sincerely,


Arthur D. Curtis
Prosecuting Attorney

ADC:ca

1200 FRANKLIN STREET

(20)



COVIER, WASHINGTON 98668

5-2261

Spencer000561

175

In the Superior Court of the State of Washington
In and For the County of Clark

STATE OF WASHINGTON,

Plaintiff,

vs.
CLYDE RAY SPENCER,

Defendant.

85 1 00007 2
INFORMATION

COMES NOW the Prosecuting Attorney in and for Clark County, State of Washington, and does by this Inform the Court that the above named defendant, in the crime of _____ the crime committed as follows, to-wit:

Count I.

That he, Clyde Ray Spencer, in the County of Clark, State of Washington, on one or more occasions between July 14, 1984, and August 26, 1984, being over thirteen (13) years of age, did unlawfully and feloniously engage in sexual intercourse with Kathryn E. Spencer, who was less than eleven (11) years of age at the time, to-wit: age five (5) years, in violation of RCW 9A.44.070 (1), contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

Count II.

That he, Clyde Ray Spencer, in the County of Clark, State of Washington, on one or more occasions between July 14, 1984, and August 26, 1984, did knowingly cause Kathryn E. Spencer, not the spouse of the defendant and less than fourteen (14) years of age, to-wit: age five (5) years, to have sexual contact with the defendant or another, in violation of RCW 9A.44.100 (1) (b), contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Washington.

Date: January 2, 1985

Count I - Statutory Rape I - RCW 9A.44.070 (1) and Count II - Indecent Liberties - RCW 9A.44.100 (1) (b)

FILED
JAN 9 - 1985

George J. Miller, Clerk, Clark Co.

ARTHUR D. CURTIS

Prosecuting Attorney in and for Clark County, Washington

By _____
Deputy Prosecuting Attorney

Exhibit 26
12.10.12
Date: Curtis
Rider & Associates
800-869-0864

4/9/85 (206) 583-4466

Bonnie Lind
Last week of May - 1st week
of June not good for
person on trial
date
The big oggall number
trial Van

WHILE YOU WERE AWAY			
FOR <i>AC</i>	DATE <i>4/4</i>	TIME <i>10:57</i>	CALL TIME
TO <i>Barbara Lindi</i>			
OF <i>King Co. PA</i>			
PHONE <i>206 583 4466</i>	NUMBER TO EXTENSION		
MESSAGE <i>Re Spencer</i>		<input checked="" type="checkbox"/>	PLEASE CALL ME
<i>She'll try back if you can't get her</i>		<input type="checkbox"/>	WILL CALL AGAIN
<input checked="" type="checkbox"/>		<input type="checkbox"/>	CAME TO SEE YOU
<input type="checkbox"/>		<input type="checkbox"/>	WANTS TO SEE YOU
SEND		TOP	

EDWARDS, SIEH, WIGGINS & HATHAWAY, P.S.

ATTORNEYS AT LAW

LAURA J. BUCKLAND
MALCOLM L. EDWARDS
HOWARD M. GOODFRIEND
JOHN W. HATHAWAY
ROBERT O. SIEH
CATHERINE WRIGHT SMITH
CHARLES K. WIGGINS

6501 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WASHINGTON 98104
FACSIMILE (206) 624-0809
TELEPHONE (206) 624-0974

June 10, 1992

*pull file
please
& give to
HMS*

Mr. Arthur D. Curtis
Office of the Prosecuting Attorney
1200 Franklin
P.O. Box 5000
Vancouver, WA 98668

Re: *State v. Raymond Spencer*
Clark County No. 85-1-00007-2

Dear Mr. Curtis:

I continue to represent Ray Spencer in connection with his criminal conviction and parole board matters.

Enclosed is a copy of a Motion for Disclosure of Medical Records of Kathryn Spencer.

In the hope of avoiding the necessity of the court's involvement in this matter I am sending you this motion and requesting that you let me know (1) if any such medical records exist and (2) whether you will consent to their release to Mr. Spencer.

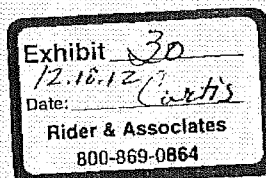
This letter will also serve as Mr. Spencer's request that any such records be disclosed to him pursuant to the state's public disclosure law, RCW ch. 42.17.

Please let me know within the next ten days whether such records exist. If they do this office will gladly pay your office's reasonable reproduction costs.

Very truly yours,

Howard M. Goodfriend
Howard M. Goodfriend

HMG/tdf
enclosure
cc: Client



Spencer-05350

180



ARTHUR D. CURTIS
PROSECUTING ATTORNEY

CURT WYRICK
CHIEF DEPUTY

DENNIS M. HUNTER
CHIEF CRIMINAL DEPUTY

RICHARD S. LOWRY
CHIEF CIVIL DEPUTY

MARY K. YOUNG
OFFICE ADMINISTRATOR

July 1, 1992

RECEIVED

JUL 6 1992

Mr. Howard Goodfriend
Attorney at Law
6501 Columbia Center
701 Fifth Avenue
Seattle, Washington 98104

HOWARD, GILBERT
WIGGINS & HATHAWAY
ATTORNEYS AT LAW

Re: State of Washington v. Raymond Spencer
Clark County Cause No. 85-1-00007-2

Copy to Client

Date Sent:

Dear Mr. Goodfriend:

I am in receipt of your letter dated June 10, 1992, requesting production of any and all medical records which exist pertaining to the victim in the above case, Kathryn Spencer. Because I did not recall whether such medical records exist, I asked one of my legal assistants, Linda Engelbart, to review the file for me. Ms. Engelbart has recently done this and states that no such medical records exist in our file. Consequently, if such medical record do exist, they apparently were never provided to us.

Please let me know if I can be of any further assistance to with respect to this matter.

Sincerely,

Arthur D. Curtis
Prosecuting Attorney

ADC:ca

1200 FRANKLIN STREET • P.O. BOX 5000 • VANCOUVER, WASHINGTON 98668

(206) 699-2261 • SCAN 525-2261

Exhibit 32
Date: 12.10.12
Rider & Associates
800-869-0864

Spencer-08780

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